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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OLIVER ZACARIAS-MEJIA,)	CASE NO.: 2:23-cv-00053-MMD-EJY
)	
Plaintiff,)	
)	
vs.)	STIPULATION AND ORDER TO
)	EXTEND DISCOVERY DEADLINES
)	(SECOND REQUEST)
GEICO CASUALTY COMPANY,)	
)	
Defendant.)	
)	
)	

Defendant GEICO CASUALTY COMPANY (“GEICO”), by and through its attorneys of record of the law firm McCormick, Barstow, Sheppard, Wayte, & Carruth LLP, and Plaintiff OLIVER ZACARIAS-MEJIA (“Plaintiff”), by and through his attorneys of record of Marzola Ruiz Law, hereby submit this Stipulation and Order to Continue Discovery Deadlines (First Request). Specifically, due to the parties’ motion early dispositive motion practice, the parties now seek to extend the discovery deadlines by sixty (60) days.

I. DISCOVERY COMPLETED BY THE PARTIES

The parties have served their initial disclosures and supplements thereto. Defendant served written discovery, to which Plaintiff has timely responded. Plaintiff served written discovery, to which GEICO has responded after an extension was granted.

Plaintiff provided a signed HIPAA authorization to GEICO on April 24, 2023 and are



1 beginning the process of collection medical records and bills.

2 On May 19, 2023, GEICO deposed Plaintiff.

3 **II. DISCOVERY WHICH REMAINS TO BE COMPLETED**

4 Plaintiff has not yet deposed GEICO's FRCP 30(b)(6) witness. The parties have yet to
5 depose any lay witnesses.

6 Expert discovery has not yet begun.

7 **III. REASON WHY DISCOVERY WAS NOT COMPLETED WITHIN THE TIME**
8 **LIMIT SET BY THE DISCOVERY PLAN**

9 Discovery in this matter does not close until September 15, 2023, however the parties
10 come now anticipating additional time needed to conduct all discovery in this matter. The
11 parties have been working diligently and cooperatively. GEICO filed a Motion to Dismiss all
12 but the breach of contract claim on January 17, 2023, which the Court heard and granted on
13 April 10, 2023 (ECF No. 22). With no pending causes of action as to claim handling, the parties
14 agreed to hold off on discovery as to the remaining causes of action until 30 days *after* Plaintiff
15 filed an Amended Complaint in anticipation of it containing factual allegations regarding claims
16 handling, which had not been originally pleaded. Such agreement forestalled the necessity of
17 GEICO filing a motion for protective order to limit discovery to the breach of contract claim,
18 which is mindful of Fed. R. Civ. P. 1 and 26(b). Plaintiff then complied with the Court's order
19 and filed his Amended Complaint on April 24, 2023. (ECF No. 23). The Amended Complaint
20 reintroduces Plaintiff's extra-contractual causes of action. GEICO filed its Answer to First
21 Amended Complaint on April 26, 2023. (ECF No. 26). Thereafter, on May 18, 2023, GEICO
22 served its responses to Plaintiff's First Set of Interrogatories, Plaintiff's First Request For
23 Admissions and Plaintiff's First Request For Production of Documents. However, a discovery
24 dispute has arisen between the parties as to said responses, which the parties are attempting to
resolve in good faith without the Court's assistance. This will require additional time for the
parties to work out. Unfortunately, these issues must be resolved first before initial expert
disclosures are due, as the discovery sought is needed by Plaintiff's expert in order to issue an



1 initial expert report. Consequently, the parties need additional time to conduct the necessary
2 discovery.

3 **IV. GOOD CAUSE EXISTS TO GRANT THE REQUESTED EXTENSION**

4 The parties have engaged in discovery, however, any expert discovery will be best and
5 most meaningfully conducted following meaningful written discovery and obtaining medical
6 records. The parties therefore maintain that a 60-day extension of the existing discovery
7 deadline dates is necessary to provide time to retain experts who will provide reports, and who
8 are likely to be deposed. The parties acknowledge that this stipulation is submitted 14 days
9 before the expiration of the July 17, 2023, deadline for initial expert disclosures. Plaintiff's
10 counsel submits that there is excusable neglect on her behalf as to why it was not submitted more
11 than 21 days prior to the deadline pursuant LR 26-3. Specifically, Plaintiff's counsel is currently
12 without any staff and in her calculation of the deadline miscalculated the date. Once Plaintiff's
13 counsel realized her mistake, she immediately prepared the stipulation for submission.
14 Plaintiff's counsel is only a few dates late in the submission of the stipulation and took all steps
15 necessary to rectify the mistake. Lastly, the additional time will allow the parties to participate
16 in mediation, if they so choose.

17 **V. THE CURRENT SCHEDULE FOR COMPLETION OF ALL REMAINING**
18 **DISCOVERY:**

19 The parties request that the pertinent discovery deadlines set forth in the Court's
20 Scheduling Order be continued sixty (60) days, as follows:

21 A. **ESTIMATE OF TIME REQUIRED FOR DISCOVERY:** Pursuant to Local Rule
22 26-1(b)(1), and with the Court's approval, discovery shall be completed on or before **November**
23 **14, 2023.**

24 B. **EXPERT WITNESS DISCLOSURES:** Unless otherwise stated herein, and the
Court so orders, the date for the parties to exchange initial expert witness disclosures shall be
sixty (60) days prior to the discovery cut-off date, but not later than **September 15, 2023**, and



1 rebuttal expert disclosures shall be thirty (30) days prior to the discovery cut-off date, but not
2 later than **October 15, 2023**.

3 C. DISPOSITIVE MOTIONS: Unless otherwise stated herein, and the Court so
4 orders, the date for filing dispositive motions shall be thirty (30) days after the discovery cut-off
5 date, but not later than **December 14, 2023**.

6 D. PRETRIAL ORDER: Unless otherwise stated herein, and the Court so orders, the
7 joint pretrial order shall be filed thirty (30) days after the date set for filing dispositive motions,
8 but not later than **January 13, 2024**. Should the parties file dispositive motions, the deadline to
9 file the joint pretrial order will be thirty days from the date of the order regarding any such
10 dispositive motions.

11 Dated: July 3, 2023

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

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13 By: /s/ Cheryl A. Grames
Jonathan W. Carlson, Nevada Bar No. 10536
14 Cheryl A Grames, Nevada Bar No. 12752
15 Stacy Norris, Nevada Bar No. 15445
Attorneys for GEICO Casualty Company

16 Dated: July 3, 2023

MARZOLA & RUIZ LAW GROUP PLLC

17
18 By /s/ Yvonne Ruiz
19 Elaine H. Marzola, Nevada Bar No. 12442
20 Yvonne Ruiz, Nevada Bar No. 14111
Attorneys for Plaintiff Oliver Zacarias-Mejia

21 IT IS SO ORDERED.

22
23 Elayna J. Zouchak
24 U.S. MAGISTRATE JUDGE

Dated: July 5, 2023

